

*A State System of Parole and Probation.* Development of Maryland's system for parole and probation was propelled by the need for prison reform around 1913 and, after 1935, by the problem of prison labor.

From its opening in 1811, a person sentenced to the Maryland Penitentiary could be released only by pardon of the Governor or expiration of sentence, unless the prisoner died or escaped. No remission of sentence existed as an incentive for good behavior. In 1870, the Governor was authorized to commute a death sentence to confinement in the Penitentiary or banishment, issue conditional pardons, or remit a sentence of confinement under specified conditions (Chapter 306, Acts of 1870).

In 1894, Maryland became the second state after Massachusetts to use probation as a correctional remedy. Courts were authorized to release first offenders convicted of noncapital offenses upon consideration of "the youth, character and antecedents of the offender, to the nature of the offence, and to any extenuating circumstances under which the offence was committed" (Chapter 402, Acts of 1894). This law may have saved some juveniles from the Penitentiary; yet minors continued to be committed. In 1907, for example, 154 offenders, ages twelve to twenty, were confined in the Maryland Penitentiary.

Around 1900, many states adopted a system of indeterminate sentence whereby a court imposed a sentence with a minimum and maximum term of confinement. After the minimum term was served, a board reviewed the prisoner's record and determined whether more of the term should be served or the prisoner released on parole. In 1905, the Governor appointed a commission to study this nationwide trend (Chapter 563, Acts of 1906). On the commission was the Warden of the Maryland Penitentiary who strongly opposed indeterminate sentences fearing they would cut into Penitentiary productivity and profits. Not surprisingly, the commission also opposed adopting an indeterminate sentence system.

The thorough investigation by the Maryland Penitentiary Penal Commission in 1913 not only brought about sweeping changes in the penal system, but also was instrumental in establishing a parole system. In 1914, an amendment to the Constitution authorized laws for the suspension of sentences by courts in criminal cases; indeterminate sentence; and the release of convicts on parole (Chapter 453, Acts of 1914). The same year, the Advisory Board of Parole was created to advise the Governor about issuing conditional pardons and paroles and to supervise released convicts (Chapter 500, Acts of 1914). The three-member Board was authorized to appoint not more than four parole officers. In 1922, the Advisory Board of Parole was replaced by the Parole Commissioner.

The crisis in the penal system over the issue of prison labor in 1935 ultimately expanded the parole and probation system. The Maryland Commission on Prison Labor recommended to the General Assembly in 1937 that overcrowding be alleviated by the immediate completion of the State Penal Farm, more extensive use of parole with adequate supervision, and a greater use of probation. Adequate supervision was the key; the Parole Commissioner still had only four parole officers supervising approximately 275 parolees. In 1939, the Division of Parole and Probation was created with a board, a director, and a field supervisor to supervise and investigate parolees and probationers (Chapter 406, Acts of 1939). The actual power to grant parole was left with the Governor. Not until 1953 was the Governor relieved of the duty to review all parole recommendations, and the Board of Parole and Probation was authorized to grant parole, except in cases of life sentences (Chapter 625, Acts of 1953).

*State Fire Marshal.* The office of State Fire Marshal was first created in 1894 to investigate suspicious fires throughout the State and prosecute guilty parties (Chapter 248, Acts of 1894). The office was funded by insurance revenues, and insurance companies were required to report all claims for fire losses to the Fire Marshal. The mere existence of the office was thought to deter arson. By 1915, the Fire Marshal was investigating annually over one thousand fires statewide and inspecting fire exits and escapes in public buildings. In 1916, the position of State Fire Marshal was abolished and its powers and duties transferred to the State Insurance Commissioner who was authorized to appoint an additional deputy to handle fire duties (Chapter 521, Acts of 1916). In 1964, the office of State Fire Marshal was recreated, along with the State Fire Prevention Commission, a new State Fire Prevention Code, and revision of laws pertaining to fires and investigations, fireworks, and explosives (Chapter 46, Acts of 1964).

*Department of Public Safety and Correctional Services.* In 1970, the Department of Public Safety and Correctional Services was created, absorbing the previously autonomous entities of the Division of Correction, Division of Parole and Probation, Maryland State Police, State Civil Defense and Emergency Planning Agency, State Fire Prevention Commission and the State Fire Marshal, Maryland Traffic Safety Commission, and Patuxent Institution, as well as certain advisory boards. The State Civil Defense and Emergency Planning Agency was renamed several times and then transferred to the Military Department in 1989 as the Maryland Emergency Management Agency (Chapter 674, Acts of 1989). In 1994, the State Police became a principal executive department (Chapter 165, Acts of 1994).